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August 27, 2013

VIA ECF

Hon. Katharine Hayden
United States District Court
District of New Jersey
50 Walnut Street
Newark, NJ 07102

Re: Dragon Boom Ltd. v. Minmetals, Inc., Case No. 13-cv-03072-KSH-CLW

Dear Judge Hayden:

We represent respondent Minmetals, Inc. ("Minmetals") and write to bring to your attention to a misrepresentation by petitioner Dragon Boom Ltd. ("Dragon Boom") concerning Minmetals' submissions in opposition to the pending motion to confirm the CIETAC Arbitration Award.

In Dragon Boom's reply memorandum in further support of its motion to confirm (Docket No. 21), it notes, in footnote one, that:

[t]he [Haiping] Liu Declaration is not dated August 8, 2013, as represented in [Minmetals'] Memorandum (p.6). It is dated December 10, 2012, and was originally submitted by [Minmetals] in opposition to the co-defendants' motion to collaterally estop [Minmetals] from attempting to litigate issues that were decided in the CIETAC arbitration.

However, Dragon Boom fails to realize that, in connection with its opposition to the motion to confirm, Minmetals filed two Declarations by Mr. Liu. One, which was annexed as Exhibit F to the August 9, 2013 declaration of Andre K. Cizmarik, is, as Dragon Boom notes, dated December 10, 2012. (Docket No. 20.) The other Liu Declaration was filed as a separate document and is, indeed, dated August 8, 2013. (Docket No. 19.) Dragon Boom's reply brief ignores the August 8, 2013 Declaration and erroneously represents as fact that "[t]here is not one

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statement in the Liu Declaration which provides a factual support for the 'repeated objection' argument now raised by [Minmetals]!" (Docket No. 21 at 8.)

Respectfully submitted,


Andre K. Cizmarik

cc: John J. Janiec, Esq. (via e-mail)

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